

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONOVON N. LEE,	:	CIVIL ACTION NO. 1:17-CV-1078
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JUDGE ANGELA KROM,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 10th day of January, 2018, upon consideration of the report (Doc. 17) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court deny the petition (Doc. 1) for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by petitioner Donovan N. Lee (“Lee”), wherein Judge Saporito opines that Lee’s petition must be dismissed for failure to exhaust state remedies, (see Doc. 17 at 4-6), and it appearing that Lee did not object to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d t 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear

error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court being in full agreement with Judge Saporito’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 17) of Magistrate Judge Saporito is ADOPTED.
2. Lee’s petition (Doc. 1) for writ of habeas corpus is DISMISSED without prejudice.
3. The court finds no basis to issue a certificate of appealability. 28 U.S.C. § 2253(c); see also 28 U.S.C. § 2254 Rule 11(a).
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania